

Application No. 10/675,711
Amendment dated December 20, 2004
Reply to Office action of November 17, 2004

REMARKS:**Status Of Claims**

Claims 1-41 were previously pending. Claims 1, 8, 11, 16, 25, 30, and 32 have been amended. Claims 7, 15, 29, and 37 have been cancelled. Claim 42 has been added. Thus, claims 1-6, 8-14, 16-28, 30-36, and 38-42 are currently pending in the application with claims 1, 11, 18, 25, 32, and 42 being independent.

Office Action

In the office action, the Examiner rejected claims 1-4, 7-13, 15-22, 25-27, 29-33, 36-39, and 41 under 35 U.S.C. 102(b) as being anticipated by Lemelson, U.S. Patent No. 6,028,514. The Examiner also rejected claims 5, 14, 23, and 34 under 35 U.S.C. 103(a) as being unpatentable over Lemelson. The Examiner also rejected claims 6, 24, 28, 35, and 40 under 35 U.S.C. 103(a) as being unpatentable over Lemelson in view of Tate, U.S. Patent No. 6,509,833. Applicant respectfully submits that the currently pending claims distinguish the present invention from Lemelson, Tate, and the other prior art references of record, taken alone or in combination with each other.

Specifically, claims 1, 11, and 25 each now recite "performing a routing algorithm to calculate a route". It should be noted that claims 1, 11, and 25 now incorporate the limitations of claims 7, 15, and 29, as originally filed, respectively. Similarly, claim 18 originally recited, and continues to recite, "performing a routing algorithm to calculate a route". As a result, claims 1, 11, 18, and 25 do not present new issues, new matter, or new

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claims, and therefore do not necessitate a new search.

As stated beginning on page 8 and continuing through page 9 of the present specification, the "processor 212 can execute a navigational program (e.g., a set of computer executable instructions) operable to perform a routing algorithm to calculate a route between at least two of a number of waypoints". More specifically, the "[p]rocessor 212 can operate on the routing algorithm to plot a route between the present position, as determined by GPS receiver 242, and the selected position". The selected position is a destination provided by, or on behalf of, a user. For example, "[i]n one embodiment, the starting point and the destination point of the route are determined and set by the user of navigation device 210". Thus, the present invention actually receives the destination from the user, determines its own starting point using the GPS receiver, and calculates a route from the starting point to the destination. Finally, the present invention compares the route to the weather signals in order to determine if generation of a weather alert is warranted.

In contrast, Lemelson does not disclose calculating any route. Rather, Lemelson relies on "learned normal travel behavior". Specifically, as disclosed in column 15, lines 23-33, when the user enters a new area, "the warning unit 12 updates its learned travelling behavior database". With this "learned traveling behavior", Lemelson tries to predict if the user might run into a dangerous situation. For example, as disclosed in column 13, lines 32-36, Lemelson "determines if the user of the warning unit 12 might travel to the dangerous situation based upon his/her learned normal traveling behavior (i.e. frequent locations) which is stored in the learned normal traveling behavior database".

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In fact, Lemelson simply discloses no capability to *calculate* any route. Therefore, Lemelson is forced to compare "learned traveling behavior", rather than a calculated route, with locations of dangerous situations. As a result, Lemelson simply does not disclose, suggest, or make obvious "performing a routing algorithm to calculate a route", which is then compared to weather signals in order to determine if generation of a weather alert is warranted, as claimed in claims 1, 11, 18, 25.

Similarly, claim 32 now recites "wherein the processor is operable to perform a routing algorithm to calculate a route", "wherein the processor is operable to compare the ... route with the location information of the one or more weather signals", and "generate an alert for a weather alert based on the comparison". It should be noted that claim 32 now incorporates the limitations of claim 37, as originally filed. As a result, claim 32 does not present new issues, new matter, or a new claim, and therefore does not necessitate a new search.

In contrast, as discussed above, Lemelson simply does not disclose, suggest, or make obvious "wherein the processor is operable to perform a routing algorithm to calculate a route", which is then compared to weather signals in order to determine if generation of a weather alert is warranted, as claimed in claim 32.

Claim 38 recites "at least one input operably coupled to the processor and capable of receiving data on a selected position, wherein upon generating the weather alert, the processor receives data on the selected position through the at least one input, the GPS receiver determines a present position, and the processor operates on the routing

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algorithm to plot the route between the present position and the selected position". It should be noted that claim 38 depends from claim 32. Thus, according to claim 38, the user selects a position, the processor calculates a route from a present position to the selected position, and then compares the positions along the route to weather signals in order to determine if generation of a weather alert is warranted.

In contrast, Lemelson includes absolutely no disclosure of the user selecting any position, much less calculating a route to that position. Rather, as discussed above, Lemelson relies on "learned traveling behavior", rather than a calculated route. As a result, Lemelson simply does not disclose, suggest, or make obvious "at least one input operably coupled to the processor and capable of receiving data on a selected position", as claimed in claim 38.

Claim 42 has been added to further distinguish the present invention over the prior art. The remaining claims all depend directly or indirectly from independent claims 1, 11, 18, 25, and 32, and are therefore also allowable.

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Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 501-791. In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

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